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Attorney for Defendants  
Municipality of Anchorage  
Steven Boltz  
Dwyane Jones

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

GERALD MAHLE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
MUNICIPALITY OF ANCHORAGE; STEVEN	)	
BOLTZ; DUANE JONES; JOHN DOES 1-26;	)	
and the STATE OF ALASKA, KEVIN L.	)	
DONLEY; AND KARI BRADY.	)	
	)	
Defendants.	)	Case No. 3:06-cv-00255-JWS
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**MOTION TO DISMISS**

The Municipality of Anchorage, Steven Boltz and Dwyane Jones (hereinafter together “Municipal Defendants”), through counsel, the Municipal Attorney’s Office, move under Fed. R. Civ. P. 12(b)(6) for dismissal of all claims against them, with the possible exception of Plaintiff’s state law claims. Plaintiff’s section 1983 claims must be

dismissed because they do not allege the violation of a federally protected right, privilege, or immunity as required. Plaintiff's claims against Officers Boltz and Jones must be dismissed because they are entitled to either absolute or qualified immunity. Plaintiff's section 1985 claims must be dismissed due to his failure to assert the requisite race- or class-based animus for such a suit. Plaintiff's state law claims can be retained under this Court's pendent jurisdiction, or dismissed.

This Motion is supported by a Memorandum and proposed Order.

Respectfully submitted this 17<sup>th</sup> day of August, 2007.

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Municipal Attorney

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The undersigned hereby certifies that on 08/17/07 a true and correct copy of the *Motion to Dismiss & Proposed Order* was served on:

Herbert A. Viergutz  
Rebecca H. Cain

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

s/ Sheri Curro  
Sheri Curro, Legal Secretary  
Municipal Attorney's Office